

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 13 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANUBHAI RAMDAS PATEL

Versus

STATE OF GUJARAT

Appearance:

MR SV RAJU for Petitioners

ASSTT.PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 27/01/97

ORAL JUDGEMENT

This Criminal Revision Application is directed against the order dated 13.12.1996 passed by the Special Judge, Mehsana convicting the petitioners for offence under section 323 and sentencing the petitioner No.1 to three months simple imprisonment and to pay fine of Rs.300/- in default of payment, 15 days simple imprisonment and for offence under section 504 of the I.P.C. sentencing to 1 month's simple imprisonment and

to pay Rs.150/- and in default, to undergo 7 days simple imprisonment. Both the sentences have been ordered to run concurrently. Petitioners No.2 and 3 have been sentenced to 1 month's simple imprisonment and to pay Rs.150/- and in default of payment, to undergo 15 days simple imprisonment for offence under section 504 of the I.P.C. and sentence of 15 days' simple imprisonment and to fine Rs.100/- and in default of payment to undergo 7 days simple imprisonment. Both the sentences have been ordered to run concurrently. Mr S V Raju, learned Advocate appearing for the applicant does not challenge the conviction of the petitioners. The learned Advocate submits that the fine has already been deposited by the petitioners. He however, stated that the sentence awarded is excessive. On the other hand, the learned APP submits that the sentences have been adequately awarded.

2. Considering the facts of the case and the nature of the offence, ends of justice would meet if the sentence awarded is reduced to the period already undergone. In view of the aforesaid, this Revision Application is partly allowed and while maintaining the conviction under sections 323 and 504 of the I.P.C., sentence of each of the petitioner is reduced to the period undergone by them.

Rule made absolute to the aforesaid extent.

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